

THE PEOPLE OF THE STATE OF CALIFORNIA,)	COURT CASE NO. FBA800042
)	
Plaintiff)	SECOND AMENDED
)	INFORMATION
vs.)	
)	Arraignment Date: January 28, 2011
Collin Lee McGlaughlin ,)	Department: V-2
David Brian Smith ,)	
Cameron Thomson)	DA CASE NO. 2008-00-0004109
)	
)	
Defendant)	

Ct. No.	Charge	Charge Range	Defendant	Special Allegation	Alleg. Effect
1	PC187(a)	Check Code	Collin Lee McGlaughlin	PC12022.53(d)	+25 Yrs
				PC190.2(a)(3)	Death
				PC190.2(a)(15)	Death
				PC190.2(a)(17)	Death
			David Brian Smith	PC190.2(a)(17)	Death
				PC12022.53(b)	+10 Yrs
				PC190.2(a)(3)	LWOP
				PC190.2(a)(15)	LWOP
				PC190.2(a)(17)	LWOP
				PC190.2(a)(17)	LWOP
2	PC187(a)	Check Code	Cameron Thomson		
			Collin Lee McGlaughlin	PC12022.53(d)	+25 Yrs to
				PC190.2(a)(3)	Death
				PC190.2(a)(15)	Death
				PC190.2(a)(17)	Death
				PC190.2(a)(17)	Death
			David Brian Smith	PC12022.53(b)	+10 Yrs,
				PC190.2(a)(3)	LWOP
				PC190.2(a)(15)	LWOP
				PC190.2(a)(17)	LWOP
				PC190.2(a)(17)	LWOP
3	PC211	16-2-3	Cameron Thomson		
			Collin Lee McGlaughlin	PC12022.53(d)	+25 Yrs to *
			David Brian Smith	PC12022.53(b)	+10 Yrs,
			Cameron Thomson		MSP*
4	PC211	16-2-3	Collin Lee McGlaughlin	PC12022.53(d)	+25 Yrs to
			David Brian Smith	PC12022.53(b)	Life, MSP*
			Cameron Thomson		+10 Yrs,

5	PC207(a)	3-5-8	Collin Lee McGlaughlin David Brian Smith Cameron Thomson	PC12022.53(d) PC12022.53(b)	MSP*
6	PC207(a)	3-5-8	Collin Lee McGlaughlin David Brian Smith Cameron Thomson	PC12022.53(d) PC12022.53(b) WI707(d)(1)	+25 Yrs to Life, MSP* +10 Yrs, MSP*

The District Attorney of the County of San Bernardino, by this Information alleges that:

COUNT 1

On or about January 5, 2008, in the above named judicial district, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by Collin Lee McGlaughlin, David Brian Smith and Cameron Thomson, who did unlawfully, and with malice aforethought murder Christopher Cody Thompson , a human being.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

It is further alleged as to count 1 that said defendant Collin Lee McGlaughlin personally and intentionally discharged a firearm, a shotgun, which proximately caused death to Christopher Cody Thompson within the meaning of Penal Code section 12022.53(d).

It is further alleged as to count 1 that said defendant Collin Lee McGlaughlin personally and intentionally discharged a firearm, a shotgun, within the meaning of Penal Code section 12022.53(c).

It is further alleged as to count 1 that said defendant Collin Lee McGlaughlin personally used a firearm, a shotgun, within the meaning of Penal Code section 12022.53(b).

It is further alleged as to count 1 that said defendant David Brian Smith personally used a firearm, a rifle, within the meaning of Penal Code section 12022.53(b).

SPECIAL CIRCUMSTANCE: It is further alleged as to count 1 that the defendants Collin Lee McGlaughlin and David Brian Smith, in this proceeding, have been convicted of more than one offense of Murder in the First or Second Degree, within the meaning of Penal Code Section 190.2(a)(3).

SPECIAL CIRCUMSTANCE: It is further alleged as to count 1 that the murder of Christopher Cody Thompson was committed by defendants Collin Lee McGlaughlin and David Brian Smith, and that the defendants intentionally killed the victim by means of lying in wait, within the meaning of Penal Code Section 190.2(a)(15).

SPECIAL CIRCUMSTANCE: It is further alleged as to count 1 that the murder of Christopher Cody Thompson was committed by defendants Collin Lee McGlaughlin and David Brian Smith, while the said defendants were engaged in the attempted commission of the crime of robbery in violation of Penal Code Section 664/211, within the meaning of Penal Code Section 190.2(a)(17)(A).

SPECIAL CIRCUMSTANCE: It is further alleged as to count 1 that the murder of Christopher Cody Thompson was committed by defendants Collin Lee McGlaughlin and David Brian Smith, while the said defendants were engaged in the commission of the crime of kidnapping in violation of Penal Code Section 207, within the meaning of Penal Code Section 190.2(a)(17)(B).

COUNT 2

On or about January 5, 2008, in the above named judicial district, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by Collin Lee McGlaughlin, David Brian Smith and Cameron Thomson, who did unlawfully, and with malice aforethought murder Bodhisattva "Bodhi" Sherzer- Potter , a human being.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

It is further alleged as to count 2 that said defendant Collin Lee McGlaughlin personally and intentionally discharged a firearm, a shotgun, which proximately caused death to Bodhisattva "Bodhi" Sherzer-Potter within the meaning of Penal Code section 12022.53(d).

It is further alleged as to count 2 that said defendant Collin Lee McGlaughlin personally and intentionally discharged a firearm, a shotgun, within the meaning of Penal Code section 12022.53(c).

It is further alleged as to count 2 that said defendant Collin Lee McGlaughlin personally used a firearm, a shotgun, within the meaning of Penal Code section 12022.53(b).

It is further alleged as to count 2 that said defendant David Brian Smith personally used a firearm, a rifle, within the meaning of Penal Code section 12022.53(b).

SPECIAL CIRCUMSTANCE: It is further alleged as to count 2 that the defendants Collin Lee McGlaughlin and David Brian Smith, in this proceeding, have been convicted of more than one offense of Murder in the First or Second Degree, within the meaning of Penal Code Section 190.2(a)(3).

SPECIAL CIRCUMSTANCE: It is further alleged as to count 2 that the murder of Bodhisattva "Bodhi" Sherzer-Potter was committed by defendants Collin Lee McGlaughlin and David Brian Smith, and that the defendants intentionally killed the victim by means of lying in wait, within the meaning of Penal Code Section 190.2(a)(15).

SPECIAL CIRCUMSTANCE: It is further alleged as to count 2 that the murder of Bodhisattva "Bodhi" Sherzer-Potter was committed by defendants Collin Lee McGlaughlin and David Brian Smith, while the said defendants were engaged in the attempted commission of the crime of robbery in violation of Penal Code Section 664/211, within the meaning of Penal Code Section 190.2(a)(17)(A) .

SPECIAL CIRCUMSTANCE: It is further alleged as to count 2 that the murder of Bodhisattva "Bodhi" Sherzer-Potter was committed by defendants Collin Lee McGlaughlin and David Brian Smith, while the said defendants were engaged in the commission of the crime of kidnapping in violation of Penal Code Section 207, within the meaning of Penal Code Section 190.2(a)(17)(B).

COUNT 3

On or about January 5, 2008, in the above named judicial district, the crime of ATTEMPTED SECOND DEGREE ROBBERY, in violation of PENAL CODE SECTION 664/211, a felony, was committed by Collin Lee McGlaughlin, David Brian Smith and Cameron Thomson, who did unlawfully, and by means of force and fear attempt to take personal property from the person, possession, and immediate presence of Christopher Cody Thompson .

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

It is further alleged as to count 3 that said defendant Collin Lee McGlaughlin personally and intentionally discharged a firearm, a shotgun, which proximately caused death to Christopher Cody Thompson within the meaning of Penal Code section 12022.53(d).

It is further alleged as to count 3 that said defendant Collin Lee McGlaughlin personally and intentionally discharged a firearm, a shotgun, within the meaning of Penal Code section 12022.53(c).

It is further alleged as to count 3 that said defendant Collin Lee McGlaughlin personally used a firearm, a shotgun, within the meaning of Penal Code section 12022.53(b).

It is further alleged as to count 3 that said defendant David Brian Smith personally used a firearm, a rifle, within the meaning of Penal Code section 12022.53(b).

COUNT 4

On or about January 5, 2008, in the above named judicial district, the crime of ATTEMPTED SECOND DEGREE ROBBERY, in violation of PENAL CODE SECTION 664/211, a felony, was committed by Collin Lee McGlaughlin, David Brian Smith and Cameron Thomson, who did unlawfully, and by means of force and fear attempt to take personal property from the person, possession, and immediate presence of Bodhisattva "Bodhi" Sherzer- Potter .

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

It is further alleged as to count 4 that said defendant Collin Lee McGlaughlin personally and intentionally discharged a firearm, a shotgun, which proximately caused death to Bodhisattva "Bodhi" Sherzer-Potter within the meaning of Penal Code section 12022.53(d).

It is further alleged as to count 4 that said defendant Collin Lee McGlaughlin personally and intentionally discharged a firearm, a shotgun, within the meaning of Penal Code section 12022.53(c).

It is further alleged as to count 4 that said defendant Collin Lee McGlaughlin personally used a firearm, a shotgun, within the meaning of Penal Code section 12022.53(b).

It is further alleged as to count 4 that said defendant David Brian Smith personally used a firearm, a rifle, within the meaning of Penal Code section 12022.53(b).

COUNT 5

On or about January 5, 2008, in the above named judicial district, the crime of KIDNAPPING, in violation of PENAL CODE SECTION 207(a), a felony, was committed by Collin Lee McGlaughlin, David Brian Smith and Cameron Thomson, who did unlawfully, forcibly and by instilling fear, take, hold or detain Christopher Cody Thompson in San Bernardino County, California, and did take the said Christopher Cody Thompson into another part of San Bernardino County.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

It is further alleged as to count 5 that said defendant Collin Lee McGlaughlin personally and intentionally discharged a firearm, a shotgun, which proximately caused death to Christopher Cody Thompson within the meaning of Penal Code section 12022.53(d).

It is further alleged as to count 5 that said defendant Collin Lee McGlaughlin personally and intentionally discharged a firearm, a shotgun, within the meaning of Penal Code section 12022.53(c).

It is further alleged as to count 5 that said defendant Collin Lee McGlaughlin personally used a firearm, a shotgun, within the meaning of Penal Code section 12022.53(b).

It is further alleged as to count 5 that said defendant David Brian Smith personally used a firearm, a rifle, within the meaning of Penal Code section 12022.53(b).

COUNT 6

On or about January 5, 2008, in the above named judicial district, the crime of KIDNAPPING, in violation of PENAL CODE SECTION 207(a), a felony, was committed by Collin Lee McGlaughlin, David Brian Smith and Cameron Thomson, who did unlawfully, forcibly and by instilling fear, take, hold or detain Bodhisattva "Bodhi" Sherzer- Potter in San Bernardino County, California, and did take the said Bodhisattva "Bodhi" Sherzer- Potter into another part of San Bernardino County.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

It is further alleged as to count 6 that said defendant Collin Lee McGlaughlin personally and intentionally discharged a firearm, a shotgun, which proximately caused death to Bodhisattva "Bodhi" Sherzer-Potter within the meaning of Penal Code section 12022.53(d).

It is further alleged as to count 6 that said defendant Collin Lee McGlaughlin personally and intentionally discharged a firearm, a shotgun, within the meaning of Penal Code section 12022.53(c).

It is further alleged as to count 6 that said defendant Collin Lee McGlaughlin personally used a firearm, a shotgun, within the meaning of Penal Code section 12022.53(b).

It is further alleged as to count 6 that said defendant David Brian Smith personally used a firearm, a rifle, within the meaning of Penal Code section 12022.53(b).

It is further alleged as to counts 1, 2, 3, 4, 5 and 6, pursuant to subdivision (d)(1) of section 707 of the Welfare and Institutions code, that the defendant Cameron Thomson was a minor who was at least 16 years of age at the time of the commission of the above offenses.

* * * *

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

THIS INFORMATION CONSISTS OF 6 COUNT(S).

MICHAEL A. RAMOS
DISTRICT ATTORNEY
County of San Bernardino
State of California

By: Steven P. Sinfield
Steven P. Sinfield
Deputy District Attorney

Filed in Superior Court,
County of San Bernardino

Dated: _____